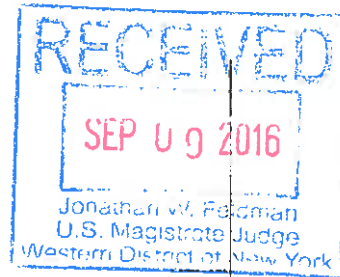


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
RONALD SAMUELS

PLAINTIFF,



MEMORANDUM OF LAW IN

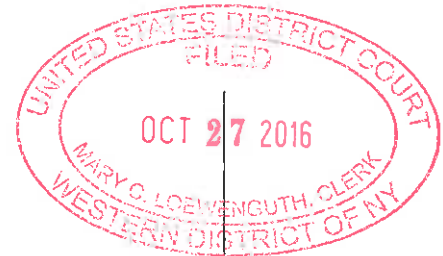
SUPPORT OF PLAINTIFF

OPPOSED TO SUMMARY JUDGMENT

11-CV-6255F

V.

POLICE OFFICER DARREL SCHULT, POLICER OFFICER
ANTHONY DIPONZIO AND POLICER BERNIE GARICA
DEFENDANTS,



Defendants provided a clear view from each individual narrative police report as well testified under oath individually. The manner of unconstitutional use of excessive force to such an extent against plaintiff. Allow i to place under scope police officer Anthony Diponzio solemn declaration.

To which plaintiff never attempt to attack him never swung at officer kick or spit on him or the other

Officer that have assisted the use of force. Officer Anthony Diponzio narrative police report the knee strikes he deliver to plaintiff were necessitated by plaintiff do to the fact plaintiff continued to fight with him and other officer that assisted with subdued of plaintiff. Officer Anthony Diponzio stated he was the only officer to tackled plaintiff by his self despite that fact after officer DARREL SCHULT and officer BERNIE GARICA assisted the knee skrikes the pressure to the neck the spraying oc chemical pepper spray deployed in plaintiff face already in handcuff. The report as well testimony from police officer Anthony Diponzio clearly display retaliation for plaintiff running away from police DARREL SCHULT later in time than he had his gun drawn and order plaintiff to the ground. Office ANTHONY DIPONZIO also said in report he himself had his gun pointed at plaintiff and plaintiff ran towards with his gun pointed at plaintiff. Allow the statement from officer ANTHONY DIPONZIO reflex he completed the use of force report despite that fact disregarded to draft Resisting arrest report C.P.L205.30 C.P.L 240.26(1) harassment or obstructing government property kicking officers patrol grill plaintiff was accused of.

1. STANDARD OF REVIEW

Fidelity & Deposit Co. v. UNITED STATES, summary judgment is unconstitutional the question is governed by the Seventh Amendment which provides that [i]n suits at common law,... the right of trial by jury shall be preserved, and no fact tried by jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law."The supreme court has held that "common law" in the Seventh Amendment refer to the English common law in 1791.

1. Defendants, establish sufficient evidence within narrative police reports as well

A solemn declaration from each officer plaintiff medical records sustain injuries.

Tracy v. Freshwater 623 F.3d 90 (2d cir. 2010)

See Graham v. Connor 490 U.S. 386, 395, 109 S. Ct. 1865, 104 L. Ed. 2d 443 (1989)

Park v. Shiflett 250 F.3d 843, 849 (4th cir. 2001)

See e.g. Henderson v. [*99] Munn 439 F.3d 497, 502-03 (8th cir 2006)

See e.g. Breen v. Garrison 169 F.3d 152, 153 (2d cir 1990)

See Estelle v Gamble, 429 U.S. 97 106, 97 S. Ct. 285, 50 L. Ed. 2d 251 (1976)

Conclusion

WHEREFORE, it is respectfully requested to such an extent plaintiff motion

Opposed to summary judgment as well award docket date for trial together.

Dated September 8, 2016

PRO-SE RONALD SAMUELS

TO: Spencer L. Ash, Esq. of Counsel

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
RONALD SAMUELS

Plaintiff,

STATEMENT OF FACTS TO

OPPOSED TO SUMMARY JUDGMENT

v.

11-CV-6255F

Police officer DARREL SCHULT, Police officer

ANTHONY DIPONZIO and Police BERNIE GARCIA

Defendants,

I RONALD SAMUELS plaintiff duly admitted before the court of the State of New York, hereby makes the following statements under penalty of perjury .I submit this statement of motion to opposed objection and request to the court this motion of summary judgment should in the faith of the court be annulled. Defendants, may not be blind eyed of the letter of administration rules policy and regulations.

Exhibit: A Rochester Police Department General order 335 III. Procedures page (3) a) OC was used. 3) exposure to OC a) and b) such treatment will be rendered without delay and be noted.

Exhibit: B Anthony Diponzio narrative stated in the report Line (20) the suspect was handcuffed and walked to my patrol vehicle, where he kicked the grill of my patrol vehicle and was brought to the ground and subdued. SRR'S were completed regarding the incident. OFC Garcia took one photo of the suspect at 81 conkey ave. the suspect was transported to RGH to be treated for OC spray. See officer Anthony Diponzio clearly stated suspect was handcuff then was OC spray, then was transported back to the crime scene to be identified. Officers as well as Officer Anthony are clearly showing the mind frame to disregard administration procedures the Show -up was impermissibly suggestive there was no reason why a far less- suggestive lineup could not have been arranged at the police station.

Exhibit: C officer Anthony Diponzio solemn declaration page: 456 states plaintiff did not sure any aggressive violent behavior towards him or in other officer Line: 6 through 17.

Let's review Exhibit: B Line 18 officer Anthony diponzio suspect and tackled him to the ground, and he continued to fight with myself, OFC garcia and OFC Schultz. Officer Anthony Diponzio Answer under oath page: 473 Line :4 through 21 . the plaintiff ran from first officer Darrel Schultz as officer had is gun pointed at plaintiff. Then plaintiff ran towards officer Anthony Diponzio who also had his gun pointed at plaintiff.

Exhibit: D officer Darrel Schultz narrative police report he stated plaintiff who was face down and executed a three (point landing .i scooped (s) right arm I yelled for (s) to resisting and put his hands behind his back two times. He also stated he applied pressure to (s) mandibular

Exhibit: E officer Darrel Schultz a solemn declaration page: 12 through 17. |

EXhibit: F plaintiff complaint stated officers use excessive force knee strikes mandibular chock to the neck plaintiff stated he was slap in his head knee in the back handcuff and spray with OC place face down on a officer patrol vehicle hood and the hood was hot.

Exhibit: G officer BERNIA GARICA narrative police report

Exhibit:H plaintiff medical records . Monore County medical records 2008, medical records from the State of New York Correction 2010 to 2015 , medical records State of New Jersey .

Exhibit

A

- C. All force used, with the exception of mere handcuffing, blanketing, escorting, or application of hobble or spit sock, will require a Subject Resistance Report, RPD 1377, (SRR-Attachment A).
- D. Only those members that have successfully completed an approved RPD Taser course will be authorized to deploy the Taser. Each member will complete biennial re-certification training with the Taser, and the Taser will be used in accordance with this training.
- E. Only those members that have successfully completed an approved Pepperball Launching System (PLS) annual training course will be authorized to deploy the PLS. Each member will complete annual training with the PLS, and the PLS will be used in accordance with this training.
- F. Use of restraining devices is mandatory on all prisoners unless in the member's judgment unusual circumstances exist which make the use of restraining devices impossible or unnecessary (e.g. prisoner is very elderly, handicapped, etc.).

III. PROCEDURES

- A. Any member using force pursuant to their duties, or any off-duty member using force regardless of whether or not it is pursuant to their duty as a police officer will:
 - 1. Immediately notify their immediate supervisor of the incident.
 - a) If the supervisor is not on duty (e.g., Technicians on the 1st or 3rd platoon), the supervisor in the Section of occurrence will be notified.
 - b) In the case of off-duty incidents, the member will immediately notify the supervisor in the area of occurrence, or if outside the City, the Commander of the Patrol Division, or Staff Duty Officer, and the police agency of jurisdiction. (Incidents that stem from additional employment will follow guidelines in GO 245.).
 - c) In cases of a non-arrest or unarrest incident where force has been used, the member will obtain

permission from a supervisor prior to the release of the subject. An Incident Report describing the incident must be completed.

NOTE: If a non-sworn employee of the City aids a sworn member in a subject resistance, a supporting deposition and any other applicable reports will be taken from said employee. The non-sworn employee will not complete an SRR. Members, however, must list them as a witness on their SRR.

2. After force is used, immediately evaluate the need for medical attention or treatment for that person upon whom the techniques were used and arrange for such treatment when:

- a) That subject has a visible injury requiring medical attention, including injuries prior to the use of force;
- b) Subject complains of injury or requests for medical attention;
- c) OC, PLS or the Taser was used.

Note: ALL subjects who are exposed to a Taser application need to be transported to a hospital to be seen by a medical professional for treatment.

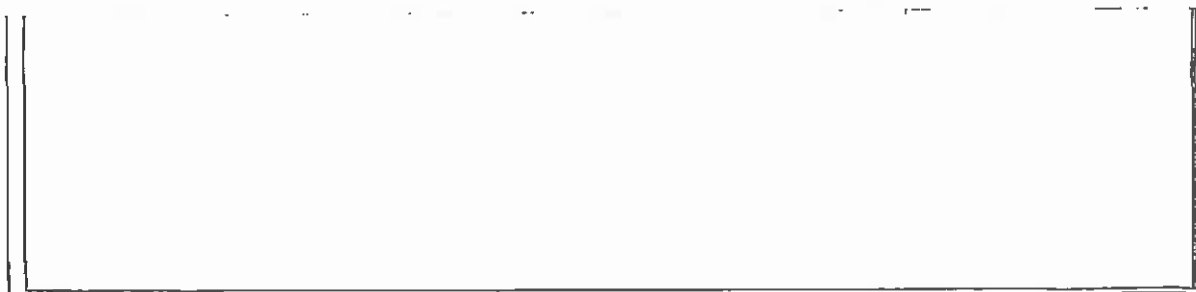
3. Exposure to OC or PLS

- a) Persons exposed to OC or PLS will be taken to the Eyewash Facility located in the Public Safety Building (PSB) garage before being released or brought to booking.
- b) Persons will not be brought to the Eyewash Facility if they continue to be combative, display excessive hyperactive behavior after OC or PLS has been administered, exhibit any other signs of physical distress (e.g., difficulty breathing, chest pain, and/or other physical complaints) or have other physical injuries or complaints of injuries needing physical attention. Such treatment will be rendered without delay and will be noted on the SRR.

1

Exhibit

B



C

1

1

1

— — — — —

3 Q. So based on that description you assisted Officer
4 Schultz in chasing down the black male who ultimately was
5 Mr. Samuels, correct?

6 A. That would be correct.

7 Q. And he ran away from you, right?

8 A. Correct.

9 Q. So he was trying to get away, correct?

10 A. Correct.

11 Q. He didn't throw anything at you?

12 A. Did not throw anything at me.

13 Q. He didn't attempt to attack you?

14 A. Not when he took off running, no.

15 Q. And he didn't yell any obscenities at you or curse
16 you in any way?

17 A. Not to my recollection, no.

18 Q. So as he is running you said earlier you kind of
19 described how there were times he would run past you and
20 run, try to get up the fence and then run past you again,
21 correct?

22 A. Correct.

23 Q. And during all those times he never swung at you or
24 kicked you, correct?

25 A. No, correct, he did not.

Exhibit

D

RPD 1107

subject resistance report

rochester police department

5. DOB: 3/27/75 6. RACE: W 7. PLACE OF BIRTH: NYC 8. HEIGHT: 5'5" 9. WEIGHT: 200 LBS 10. INCIDENT LOCATION: 81 CONKEY AVE 11. PSA: 23																																																																																																																			
11. ARREST? <input type="checkbox"/> NO - release approved by: ASSAULT 2ND <input checked="" type="checkbox"/> YES - charges:																																																																																																																			
12. SUBJECT ACTIONS Subject resisted by (Check all that apply and explain in narrative.)	13. TACTIC EFFECTIVENESS Check the appropriate box indicating whether the tactic was used. If the tactic was used write the number (1,2,3...) indicating what order the tactics were used in column one (1). In column two (2) write E, for Effective, ME, for Moderately Effective and NE, for Not Effective.																																																																																																																		
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I STEPPED OUT WITH (S) WHO MATCHED THE DESCRIPTION OF AN ASSAULT SUSPECT FROM 671 ST. PAUL BLVD. (S) TOOK OFF RUNNING BEHIND 81 CONKEY AVE. I LOST SIGHT OF (S) FOR A COUPLE SECONDS. OFFICER DIPONZIO CAUGHT UP TO (S) ON THE NORTH SIDE OF 81 CONKEY AVE. I SAW OFFICER DIPONZIO AND (S) ON THE GROUND. (S) WAS FLAILING HIS ARMS AND TRYING TO GET AWAY FROM OFFICER DIPONZIO. I RAN UP TO THE RIGHT SIDE OF (S) WHO WAS FACE DOWN AND EXECUTED A THREE POINT LANDING. I SCOOPED (S) RIGHT ARM. I YELLED FOR (S) TO STOP RESISTING AND PUT HIS HANDS BEHIND HIS BACK TWO TIMES. (S) DID NOT COMPLY. I HELD ONTO (S) RIGHT WRIST WITH MY LEFT HAND AND APPLIED PRESSURE TO (S) MANDIBULAR ANGLE(RIGHT SIDE) WITH MY RIGHT THUMB. THE FIRST TIME (S) DID NOT PUT HIS LEFT HAND BEHIND HIS BACK. I APPLIED PRESSURE AGAIN TO HIS MANDIBULAR ANGLE WHILE VERBALIZING FOR (S) TO PUT HIS HANDS BEHIND HIS BACK. (S) DID PUT HIS HANDS BEHIND HIS BACK AND I PLACED MY HANDCUFFS ON HIM.																																																																																																																			
OFFICER: <input type="checkbox"/> Primary Officer <input checked="" type="checkbox"/> Assisting Officer Name: SCHULTZ ID#: 1082																																																																																																																			

Exhibit

E

total and complete answer. Page and line, please?

MS. CIANCA: Okay. Back to starting on line 7

then.

BY MS. CIANCA:

Q. Question: There was some force that needed to be used in order to take Mr. Samuels into custody?

Answer: That's correct.

Question: Could you describe what the force consisted of?

Answer: My part in the use of force is as I ran up he was struggling on the ground with Officer DiPonzio. I came up on the right side of the defendant grabbing by his head and used what's called a mandibular angle pressure. It's located right underneath his ear and along the jaw and press on that a couple times to get him to stop flailing and stop resisting and it was effective.

Do you recall being asked those questions and giving those answers?

A. Yes, I do.

Q. So with regard to your testimony at that time, you did not mention anything about rolling around or struggling, manipulating Officer DiPonzio?

A. Not specifically rolling around, I didn't use those words, no.

Exhibit

F

FIRST CLAIM: ON (DATE OF THE INCIDENT) MAY 02, 2008

DEFENDANT (GIVE THE NAME AND POSITION Held OF EACH DEFENDANT INVOLVED IN THE INCIDENT) POLY.

OFFICER DARREL SCHULTZ ROCHESTER P.D.

OFFICER ANTHONY DIPONZIO ROCHESTER P.D.

OFFICER BERNIE GARCIA ROCHESTER P.D.

DID THE FOLLOWING TO ME (BRIEFLY STATE WHAT EACH DEFENDANT NAME ABOVE DID) A ACT OF BATTERING, EXCESSIVE FORCE. I WAS EXITING OUT A CORNER. OFFICER SCHULTZ DROVE HIS POLICE VEHICLE IN FRONT OF STORE EXIT IF HE WAS TRYING TO HIT ME OR FIGHT ME AS I EXIT OUT STORE. OFFICER EXIT OUT VEHICLE TOLD ME TO DROP THE PACK OF CIGARETTES ON THE GROUND AND FOR ME TO GET ON THE GROUND. HE PULL HIS GUN I RAN.

I DIDN'T HAVE NO OBJECTS JUST A PACK

NEWPORT CIGARETTES. I DIDN'T APPEAR TO BE A THREAT OR THREATENED OFFICER SCHULTZ IT WAS NO NEED TO PULL OUT A GUN. I RAN A FEW MINUTES I WAS PULLED TO THE GROUND BY OFFICER DIPONZIO AND HAND CUFF BEHIND MY BACK. OFFICER DIPONZIO WAS LYING ON ME WITH HIS KNEE IN MY BACK WHILE I WAS HAND CUFFED. TWO OFFICERS RAN OVER TO US; OFFICER SCHULTZ GRAB THE BACK OF MY NECK I STARTED CHOKING ME BACK MY HEAD ON THE GRASS A COUPLE OF TIMES. THEN OFFICER SCHULTZ SLAP ME IN THE BACK OF MY HEAD HARD. I HEARD HIM SAID TO ME M.F. YOU WANT TO RUN, THE OTHER OFFICER THAT RAN OVER TO ME WITH OFFICER SCHULTZ WAS OFFICER GARCIA. HE STARTED KNEE ME IN ON MY HIP AND LOWER BACK. I TRY TO TURN AROUND ON MY BACK, I COULDN'T BECAUSE OFFICER SCHULTZ WAS CHOKING YELLING AT ME STOP MOVING. I TOLD HIM I CAN BREATHE I CAN BREATHE. I FELT OFFICER SPREADING MY LEG THEN OFFICER DIPONZIO STARTED KNEE MY THIGH A FEW TIMES ALL I CAN HEAR WAS YOU LIKE TO RUN. LAY DOWN LAY DOWN MY THIGH WAS IN EXTREMELY PAIN IT WAS SPRAW I DON'T KNOW WITH RAY ME WITH MACE.

CONTINUE ON OTHER PAGE

I WAS PICK UP OFF THE GROUND I COULDN'T
BECAUSE MY THROAT MY WHOLE BODY WAS STIFF AND I WAS FEEL PAIN IN
K. THE OFFICER THOUGHT I WAS BEING FUNNY I TOLD THEM I COULDN'T SEE
WITH I WAS PRONE BEING ON A CAR HOOD FACE DOWN AND CHEST THE
WAS HOT SO IT WAS BURNING MY FACE AND CHEST I TRY TO USE MY
TO HELP ME PUSH UP THE HOOD I WAS SHOWN TO THE GROUND I FELT
P AT THE BACK OF MY HEAD I HEARD A OFFICER SAID TO ME WHAT IS
PROBLEM I CAN HEAR THE PERSON SAID WE HAVE A BURNING I WAS SPRAY
MACE BECAUSE I REFUSE TO LAY MY FACE ON THE CAR HOOD I STARTED
CRIES I WAS PICK UP A PRISON A POLICE CAR I HAD TO WAIT UNTIL
A HOSPITAL TO WITH THE MACE OFF.

R. Daniels

09-B-0297

4-17-2011

C.C.F.E

Exhibit

G

SUBJECT

Page 1 of 1

1. NAME LAST SAMUELS		FIRST ROBERT		MIDDLE		2. DATE 05/02/08	3. TIME 1208	4. CRM 08-137640
5. DOB 03/03/75	6. SEX M	7. RACE B	8. HEIGHT 6' 2"	9. WEIGHT 190	10. INCIDENT LOCATION 81 CONKEY AVE.			
11. ARREST? <input type="checkbox"/> NO - release approved by: <input checked="" type="checkbox"/> YES - charges: _____								

PSA

23

12. SUBJECT ACTIONS

Subject resisted by (Check all that apply and explain in narrative.)

☒ Verbal Resistance
(failing to adhere to verbal commands)☐ Passive Resistance
(dead weight)☒ Active Resistance
(pulling away, striking or attempt assault)☐ Armed Resistance
(uses or attempts to use a weapon or dangerous instrument)

13. TACTIC EFFECTIVENESS

Check the appropriate box indicating whether the tactic was used. If the tactic was used write the number (1,2,3...) indicating what order the tactics were used in column one (1). In column two (2) write E for Effective, ME for Moderately Effective and NE for Not Effective.

	ORDER	EFFECTIVE		ORDER	EFFECTIVE
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<input type="checkbox"/> Brachial Stun			<input type="checkbox"/> Flail Chop		
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<input type="checkbox"/> Angle Kick			<input type="checkbox"/> Power Spin		
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<input type="checkbox"/> Knee Strike			<input type="checkbox"/> Taser		
<input type="checkbox"/> Defensive Wedge			<input type="checkbox"/> Bean Bag		
<input type="checkbox"/> Hooking Technique			<input type="checkbox"/> Hand Gun		
<input checked="" type="checkbox"/> Ground Stabilization (ie. 3-Point Landing, joint manipulation)	2	E	<input type="checkbox"/> Long Gun		
			<input type="checkbox"/> Other:		
			<input type="checkbox"/> Other:		

14. Narrative (If officer is in plainclothes, describe own clothing. If tactic(s) used on subject were ineffective, explain reason(s) why.):

I WAS ASSISTING MY LATERAL WITH AN APPREHENSION OF AN ASSAULT 2ND SUSPECT (STABBING AT 691 ST PAUL ST). I GAVE SUSPECT NUMEROUS VERBAL COMMANDS BY STATING OUT LOUD PUT YOUR HANDS BEHIND YOUR BACK. STOP RESISTING. I WAS GIVING THE VERBAL COMMANDS THROUGHTOUT THE ENTIRE INCIDENT WHILE SUSPECT WAS ON THE GROUND TRYING TO GET UP. WHILE SUSPECT WAS ON THE GROUND, I CONTINUED VERBALIZING ORDERS TO STOP RESISTING AND SCOOPED HIS LEFT ARM FROM IN FRONT OF HIS BODY AND PLACED IT BEHIND HIS BACK. I HELD ONTO SUSPECT'S ARM UNTIL SUSPECT WAS HANDCUFFED BY OFFICER SCHULTZ. I THEN ASSISTED SUSPECT TO HIS FEET AND ESCORTED HIM BACK TOWARDS MY PATROL VEHICLE. I WAS ON AN ESCORT POSITION ON SUSPECT'S RIGHT SIDE AND AS WE WERE APPROACHING THE FRONT OF MY PATROL VEHICLE, SUSPECT KICKED THE GRILL OF IT. SUSPECT WAS THEN PLACED ON THE GROUND AND I AGAIN IN A LOUD VOICE VERBALIZED TO SUSPECT TO STOP FIGHTING AND NOT KICK MY PATROL VEHICLE. SUSPECT DISREGARDED MY VERBAL COMMANDS AND CONTINUED TO TWIST AND TURN ON THE GROUND. THEN AN OFFICER USED CAP-STUN AND SUSPECT STOP HIS ACTIONS. I THEN ASSISTED SUSPECT BACK TO HIS FEET AND CLEARED HIS FACE WITH WATER AFTER HE ASKED ME TO HELP HIM.

I ALSO TRANSPORTED SUSPECT TO RGH FOR EYE WASH AND TOOK PHOTOS AT THE SCENE.

RE-WRITE. 8/18/08 1230-HMS

OFFICER: ☐ Primary Officer ☒ Assisting Officer Name B. GARCIA

ID# 788

Rev 12-98

Exhibit

H

AM

Multi-Diagnostic Services, Inc.

139-16 91st Avenue, Jamaica, NY 11435 ~Telephone (718) 454-8558
Fax (718) 454-7950 ~ Email: multidag1@aol.com

Interpreted for Multi-Diagnostic Services, Inc. by Joseph L. Racanelli, MD

SING-SING
DIN# 09B0297

RE: SAMUELS, Ronald
DOB: 03/03/1975
DATE OF EXAM: 11/09/2012

MRI OF THE LUMBAR SPINE:

T1 and T2 sagittal and axial images were obtained of the lumbar spine.

L1-L2: There is moderate disc bulging present. There is bilateral facet arthrosis.

L2-L3: There is a large disc protrusion, which is central and slightly paracentral to the left. There is impact on the thecal sac causing moderate spinal stenosis.

L3-L4: There is a large disc protrusion central and paracentral to the left. There is impingement of the thecal sac. There is moderate-to-severe spinal stenosis.

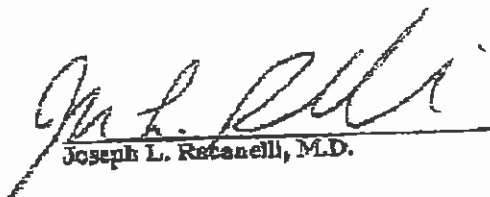
L4-L5: There is moderate disc bulging present. There is bilateral facet arthrosis.

L5-S1: There is disc space narrowing. There is retrolisthesis. There is a large central disc protrusion, which is slightly paracentral to the left.

There is no fracture or metastatic disease. The paraspinal soft tissues are normal.

IMPRESSION:

1. Mild central canal stenosis at L2-L3.
2. Large disc protrusion on the left at L3-L4 causing spinal stenosis.
3. Large central protrusion at L5-S1.


Joseph L. Racanelli, M.D.

TA 11/16/12

MOBILE AND ON-SITE DIAGNOSTIC SERVICES

EMG Summary Table	Spontaneous				MUAP			Recruitment
	LA	Fib	PSW	Fasc	Amp	Dur.	Poly	Frequency
L. TIB ANTERIOR	N	None	None	None	N	N	N	N
L. GASTROCN (MED)	N	None	None	None	N	N	N	N
L. PERON LONGUS	N	None	None	None	N	N	N	N
L. VAST MEDIALIS	N	None	None	None	N	N	N	N
L. TIB POSTERIOR	N	None	None	None	N	N	N	N
L. GLUTEUS MAX	N	None	None	None	N	N	N	N
L. L4 PSP	N	None	None	None	N	N	N	N
L. L5 PSP	N	None	None	None	N	N	N	N
L. S1 PSP	N	None	None	None	N	N	N	N

NCS Interpretation: Left Sural SNAP revealed a normal latency and amplitude. Left Superficial Peroneal SNAP showed a normal latency and amplitude.

Left Peroneal CMAPs showed normal latencies and amplitudes. Conduction velocity was normal in the leg. Left Tibial CMAPs showed normal latencies and amplitudes. Conduction velocity was normal in the leg.

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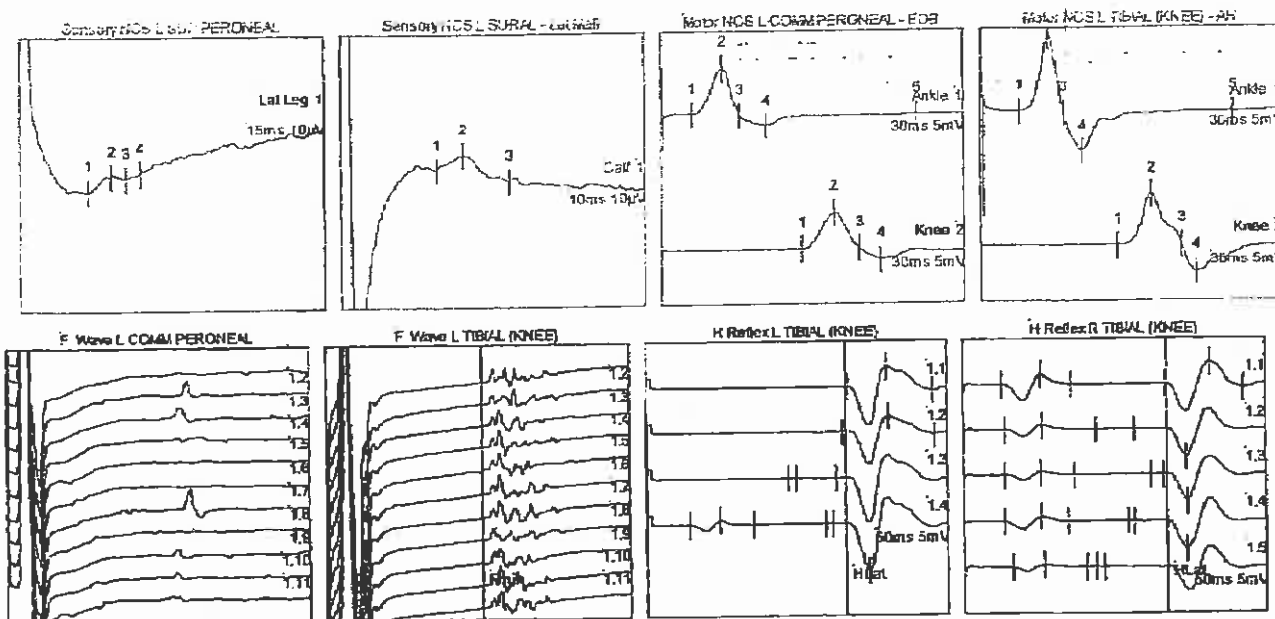
Conclusion:

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No electrodiagnostic evidence of left lower extremity neuropathy.

Recs: Trial of epidural steroid injection through pain clinic. Follow up in Physiatry in 6-8 weeks.



Steven C. Weinstein, MD
Diplomate, American Board of Physical Medicine and Rehabilitation
Diplomate, American Board of Electrodiagnostic Medicine



STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES

SSCF

FACILITY

X-RAY REQUISITION AND REPORT

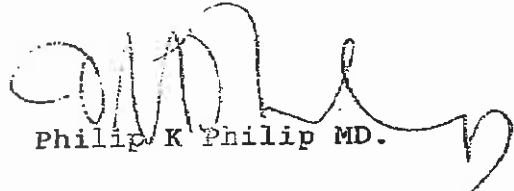
NAME Samuels Ronald DIN 09B0297
DATE ORDERED 6-28-13 HOUSING UNIT A059 WORK LOC. _____
DATE DONE 7/10/13 DATE OF BIRTH OR AGE 3/3/75
TECHNICIAN JW URGENT _____ ROUTINE _____
PRECAUTIONS/ALLERGIES/RISKS NKDA
EXAMINATION Bilateral Hip AP, Frog lateral
CLINICAL DIAGNOSIS/HISTORY (L) hip pain

ORDERED BY DR. P. Bigaud RPAC

Bil. Hips 2 views.

There is mod degen. changes with narrowing of joint spaces.
SI joints appear normal.

Imp: Mod. Bil. OA.


Philip K Philip MD.

REVIEWED BY (initial) PB 7-26-13 DATE

- ☒ NO ACTION IS REQUIRED AT THIS TIME
☐ REPORT TO BE CALLED
☐ FOLLOW UP WILL BE ARRANGED WITH A PRIMARY PROVIDER
☐ FOLLOW UP WILL BE ARRANGED WITH A SPECIALIST
☐ NOTIFICATION FORM COMPLETED AND DISTRIBUTED

RADIOLOGIST

DATE

DISTRIBUTION: Original -Health Record Copy -Radiologist Copy -X-Ray Folder

Electrodiagnostic Consultation Report

Steven C. Weinstein, MD
Physical Medicine and Rehabilitation

Patient: Samuels, Ronald	Age: 37 Years 9 Months
Patient ID: 09B0297	Facility: Greenhaven CF
Sex: Male	Date of Study: 12-31-12
Date of Birth: 3/3/1975	

HPI: 37 y.o. man referred for evaluation of the left lower extremity. He has had back pain since 2009. He has pain and numbness into the left lower extremity. He has undergone MRI of the lumbar spine that showed a large left HNP at L3/4 and L5/S1.

PE reveals MSR's are 2+ at the knees and ankles. Strength is decreased for the left ankle plantar flexors. Sensation is intact in the bilateral lower extremities. Left SLR is positive.

Sensory NCS

Nerve / Sites	Onset ms	Peak Amp µV	Dist cm	Vel m/s
L SURAL - Lat Mall				
Calf	3.10	6.0	14	45.2
L SUP PERONEAL				
Lat Leg	3.35	5.7		

Motor NCS

Nerve / Sites	Lat ms	Amp mV	Amp %	Segments	Dist cm	Vel m/s
L COMM PERONEAL - EDB						
Ankle	3.20	8.6	100	Ankle - EDB		
Knee	13.95	6.7	77.8	Knee - Ankle	50	46.5
L TIBIAL (KNEE) - AH						
Ankle	3.90	13.8	100	Ankle - AH		
Knee	13.60	9.5	69.2	Knee - Ankle	47	48.5

F Wave

Nerve	F Lat ms
L COMM PERONEAL	
L TIBIAL (KNEE)	51.25

H Reflex

Nerve	H Lat ms	H Amp pp mV
L TIBIAL (KNEE)	33.20	8.8
R TIBIAL (KNEE)	33.50	5.6

ALAM

Multi-Diagnostic Services, Inc.

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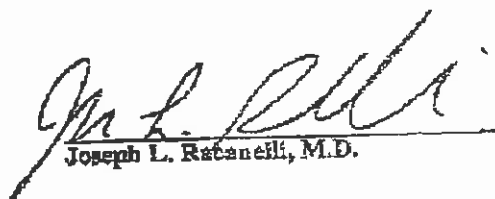
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Joseph L. Racanelli, M.D.

TA 11/16/12

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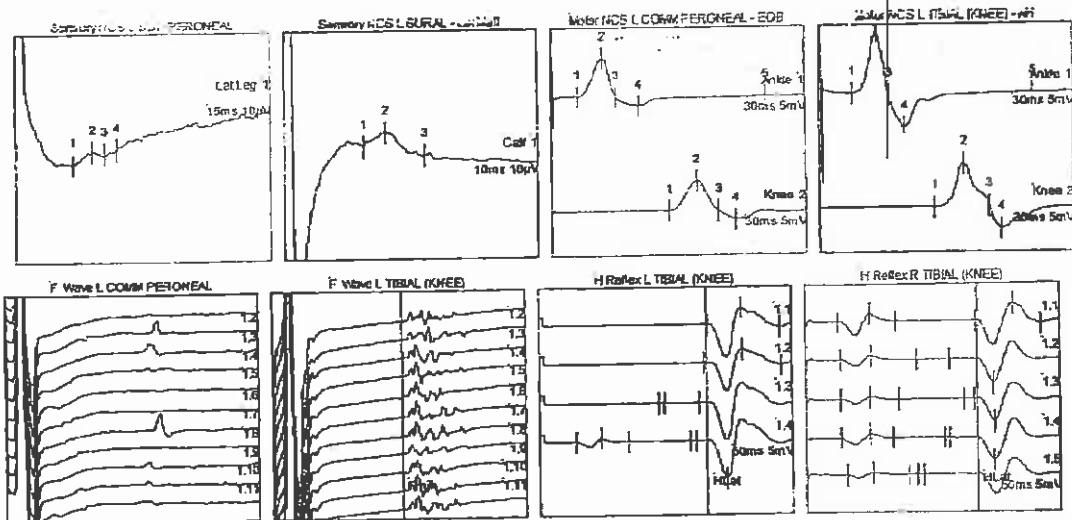
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Steven C. Weinstein, MD
Diplomate, American Board of Physical Medicine and Rehabilitation
Diplomate, American Board of Electrodiagnostic Medicine



3

REVIEWED BY FB 17-26-13 DATE

- ☒ NO ACTION IS REQUIRED AT THIS TIME
- ☐ REPORT TO CLINIC
- ☐ FOLLOW UP WILL BE ARRANGED WITH A PRIMARY PROVIDER
- ☐ FOLLOW UP WILL BE ARRANGED WITH A SPECIALIST
- ☐ NOTIFICATION FORM COMPLETED AND DISTRIBUTED

RADIOLOGIST

DATE

7-1473

Electrodiagnostic Consultation Report

Steven C. Weinstein, MD
Physical Medicine and Rehabilitation

Patient: Samuels, Ronald Age: 37 Years 9 Months
Patient ID: 09B0297 Facility: Greenhaven CF
Sex: Male Date of Study: 12-31-12
Date of Birth: 3/3/1975

HPI: 37 y.o. man referred for evaluation of the left lower extremity He has had back pain since 2009. He has pain and numbness into the left lower extremity. He has undergone MRI of the lumbar spine that showed a large left HNP at L3/4 and L5/S1.

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Nerve	H Lat ms	H Amp pp mV
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NJIN HACKENSACK
385 PROSPECT AVENUE FIRST FLOOR
HACKENSACK, NJ 07601
Phone: 201-488-4808
Fax: 201-488-9558

Exam requested by:
MONA ABOULNAJA APN
10 FIRST STREET
HACKENSACK, NJ 07601

Patient: SAMUELS, II, RONALD
Date of Birth: 03-03-1975
Phone: (201) 362-0362
MRN: 1664944R Acc: 1003886096
Date of Exam: 08-17-2016

EXAM: X-RAY LUMBAR SPINE TWO OR THREE VIEWS

HISTORY: Generalized chronic back pain.

TECHNIQUE: Three views of the lumbar spine.

COMPARISON: 9/22/2015.

FINDINGS: The vertebral bodies are normal in height and density. No fractures seen. Mild to moderate degenerative changes is noted with small osteophytes in all the vertebrae. There is some significant disc space narrowing between L5 and S1 vertebrae. No spondylolisthesis is seen. The SI joints are normal.

IMPRESSION: Mild to moderate generalized degenerative changes.

Thank you for the opportunity to participate in the care of this patient.

Mira Chakravarty MD - Electronically Signed: 08-17-2016 12:01 PM

3/29/16

Confidential

Convenient NJIN Locations

Cedar Knolls
(973) 693-1250

Cifton
(973) 778-9600

Cranford
(908) 729-1323

Edison
(732) 494-9061

Englewood Cliffs
(201) 541-5401

Hackensack
(201) 488-4808

Randolph
(973) 989-8400

Rutherford
(201) 933-3656

Union City
(201) 861-6100

Menlo Park
(732) 476-8333

Exhibit

J

UNITED STATE DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

Ronald Samuels
Plaintiff,

v.

Police Officer Anthony Diponizo
Police Officer Darrel Shultz
Police Officer Bernie Garica
Defendant's

Required
Interrogatories
Under Federal R. Civ.
Rule 26(f)(a)(c)

11-CU-6255F



Plaintiff First Interrogatories to Defendant
Police Officer Anthony Diponizo

Pursant to Rule 26(f)(a)(c) of the Federal Rules of Civil Procedure,
plaintiff request that defendant officer Anthony Diponizo, answer
the following interrogatories.

(1) Please identify all positions and titles, with correspon-
ding dates of employment, that you held as a law enforcement
Rochester Police Officer. Describe your job responsibilities for
each position and title.

(2) Please describe in as much details as posible the
training you have recived while working as a law enforcement
Rochester Police Officer on the use of force, including not
limited to the "chemical spray," "stun-guns" and other electro-
chock devices.

(3) Please describe in as much details as posible every
policy, procedures and practice that governs the use of "chemical
spray" "stur-guns" and other electrochock devices as a law
enforcement Rochester Police Officer.

(4) Please identify all officials responsible for formulating
implementing and monitoring complaine with the policies proce-
dures and practices, describe in your response to interrogatory #3.

(5) Please describe in as much details as possible the complete circumstance surrounding your use of force against the plaintiff Mr. Ronald Samuels on May 02, 2008.

(6) Please identify each document, as the term is defined in the federal rule of civil procedure 26(f)(a)(c) and 26(f)(d)(d) that evidence mentions, or refer to any of the facts stated in your response to interrogatory #5.

(7) Please describe in as much detail as possible the complete circumstance surrounding all other instance in which you have used a "chemical spray," "stun-guns" or other electro-shock devices, or threatened to do so, while working as a law enforcement Rochester Police Officer. Include in your response the circumstance surroundings any review or disciplinary action that occurred after each actual or threatened application of force.

(8) Please identify each person known to you and not otherwise identified in your answer to this interrogatories who has provided any information, or assistance of whatever nature or description related to any of your answer to these interrogatories.

(9) Please describe in as much details as possible; Mr. Diponizo. When you first saw officer Shultz, were you able to see that officer Shultz had pulled his weapon? And who was officer Shultz pointing his weapon at?

(10) Mr. Diponizo would it be fair to said plaintiff Mr. Samuels wasn't doing anything threatening towards Officer Shultz? Did you take out your weapon as well.? and was Officer Garice with you?.

(11) Please describe in as much details as possible, was officer Garica invoulved with tracking the plaintiff Mr. Samuels? prior to you tackling Mr. Samuels, Did the plaintiff Mr. Samuels attempt to attack Police officer Shultz.?

(12) So you and officer Garica were on top of Mr. Samuels?. And officer Shultz get on Mr. Samuels.?

Please describe in as much details as posible Mr. Samuels was laying on the ground been subdue by you, officer Garica and officer Shultz correct? you administring what you refer to as, to these four knee strikes to plaintiff Mr. Samuels thigh and

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RONALD SAMUELS

Plaintiff,

**Bernie Garcia Responses
to Interrogatories**

11-CV-6255 F

v.

**Police Officer DARREL SCHULTZ, Police Officer
ANTHONY DIPONZIO and Police Officer BERNIE
COARICA**

Defendants.

The City of Rochester, by its attorneys, T. Andrew Brown, Corporation Counsel, Spencer L. Ash, Esq., *of Counsel*, hereby responds to Plaintiff's First Set of Interrogatories as follows:

Response to Interrogatory # 1:

At all times Defendant is/was a patrol officer with Rochester Police Department.

Response to Interrogatory # 2:

Defendant received six (6) months of police academy training and yearly in-service training to refresh skills and reinforce training.

Response to Interrogatory # 3:

Please see the attached General Order.

Response to Interrogatory # 4:

This interrogatory is confusing and unclear.

Response to Interrogatory # 5:

The extent of the interaction between myself and Mr. Samuels has already been disclosed in the reports and records provided to Mr. Samuels on August 12, 2012.

Response to Interrogatory # 6:

This interrogatory is confusing and unclear.

Response to Interrogatory # 7:

Defendant Objects to this interrogatory as it is irrelevant and not likely to lead to admissible evidence.

Response to Interrogatory # 8:

I am represented by the City of Rochester's Law Department.

Response to Interrogatory # 9:

The extent of my participation in the arrest of Mr. Samuels is captured in the reports provided to Plaintiff on August 12, 2012. I have no independent recollection.

Response to Interrogatory # 10:

The extent of my participation in the arrest of Mr. Samuels is captured in the reports provided to Plaintiff on August 12, 2012. I have no independent recollection.

Response to Interrogatory # 11:

The facts and circumstances of Mr. Samuels' arrest are captured in the reports provided to Plaintiff on August 12, 2012. I have no independent recollection.

Response to Interrogatory # 12:

The facts and circumstances of Mr. Samuels' arrest are captured in the reports provided to Plaintiff on August 12, 2012. I have no independent recollection.

Response to Interrogatory # 13:

The facts and circumstances of Mr. Samuels' arrest are captured in the reports provided to Plaintiff on August 12, 2012. I have no independent recollection.

Response to Interrogatory # 14:

I was assisting with the arrest.

Response to Interrogatory # 15:

The facts and circumstances of Mr. Samuels' arrest are captured in the reports provided to Plaintiff on August 12, 2012. I have no independent recollection.

Response to Interrogatory # 16:

Defendant objects to this interrogatory as inappropriate, confusing and misleading.

Response to Interrogatory # 17:

This interrogatory is confusing and inappropriate. Defendant objects.

DATED: August 21, 2015

BRIAN F. CURRAN Corporation Counsel

By: /s/Spencer L. Ash
Spencer L. Ash, Esq., of Counsel
Attorneys for City Defendants
30 Church Street, Room 400A
Rochester, NY 14614
(585) 428-6699
Campolj@cityofrochester.gov

Ronald Samuels
233 Washington Avenue
Hackensack, NJ 07601

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RONALD SAMUELS

Plaintiff,

**Darrel Schultz Responses
to Interrogatories**

11-CV-6255 F

v.

**Police Officer DARREL SCHULTZ, Police Officer
ANTHONY DIPONZIO and Police Officer BERNIE
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WESTERN DISTRICT OF NEW YORK

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Plaintiff,

Anthony Diponzio Responses
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Response to Interrogatory # 17:

I have been trained on proper arrest procedures. The facts and circumstances of Mr. Samuels' arrest are captured in the reports provided to Plaintiff on August 12, 2012. I have no independent recollection. I was one of several officers who assisted in the arrest of Mr. Samuels.

DATED: August 21, 2015

BRIAN F. CURRAN Corporation Counsel

By: /s/Spencer L. Ash
Spencer L. Ash, Esq., of Counsel
Attorneys for City Defendants
30 Church Street, Room 400A
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(585) 428-6699
Campolj@cityofrochester.gov

Ronald Samuels
233 Washington Avenue
Hackensack, NJ 07601

Other Orders/Judgments

6:11-cv-06255-JWF Samuels v.
Schultz et al

CASREF, CONSENT, JWF, ProSe

U.S. DISTRICT COURT

U.S. District Court, Western District of New York

Notice of Electronic Filing

The following transaction was entered on 8/8/2016 at 10:28 AM EDT and filed on 8/8/2016

Case Name: Samuels v. Schultz et al

Case Number: 6:11-cv-06255-JWF

Filer:

Document Number: 54

Docket Text:

ORDER, based on plaintiff's request to the Court, plaintiff's response to defendant's motion for summary judgment is due by 8/26/2016. Replies due by 9/9/2016. Signed by Hon. Jonathan W. Feldman on 08/05/2016. A copy of this Order has been sent to pro se plaintiff. (JKT)

6:11-cv-06255-JWF Notice has been electronically mailed to:

Spencer L. Ash ashs@cityofrochester.gov, Michelle.Bradbury@CityofRochester.Gov,
zollars@cityofrochester.gov

6:11-cv-06255-JWF Notice has been delivered by other means to:

Ronald Samuels
233 Washington Avenue
Hackensack, NJ 07601

The following document(s) are associated with this transaction:

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[STAMP dcecfStamp_ID=1042579058 [Date=8/8/2016] [FileNumber=3311229-0]
[dec99fb12480cc1c1c71aa79f58bf842344c46e67f39973a1178879cca953db21dd5
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